



FEATURES OF DONATING CULTURAL HERITAGE OBJECTS

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Article history:	Abstract:
Received: July 26 th 2021 Accepted: August 28 th 2021 Published: September 30 th 2021	The article analyzes methods of increasing the efficiency of using cultural heritage objects. The practice of the modern use of immovable cultural monuments, foreign experience in preserving these objects, economic instruments to support and stimulate investors and private owners of historical monuments are studied. Criteria are described for determining a possible use of a historical and cultural monument. Based on the studies, the most promising direction is highlighted in adapting cultural heritage sites for modern use, ways to solve the problems identified in Russia are proposed to stimulate and support investors and private owners of historical monuments.

Keywords: Effective use, cultural heritage sites, economic incentives, legislation, gift, gift contract.

Objects of cultural heritage, which are one of the limited objects of civil law, in some cases may be the subject of a donation agreement. Issues related to the circulation of cultural heritage sites are regulated by the Law of the Republic of Uzbekistan "On the protection and use of cultural heritage sites".

Cultural heritage is a collection of material and spiritual wealth, such as practical experience, moral, scientific, religious and spiritual views, culture and creativity of people created by generations.

According to Article 3 of the Law of the Republic of Uzbekistan "On the Protection and Use of Cultural Heritage Sites", cultural heritage sites consist of tangible and intangible cultural heritage sites. Tangible cultural heritage sites include ensembles, landmarks and monuments of historical, scientific, artistic or special cultural value. Intangible cultural heritage items include traditions, folk art (speech, dance, music, performing arts) of historical, scientific, artistic or special cultural value, as well as knowledge, skills, tools associated with them, and folk arts and crafts. Artifacts, artifacts, cultural spaces.

Although Article 23 of the Law of the Republic of Uzbekistan "On the Protection and Use of Cultural Heritage Sites" is entitled "Peculiarities of Ownership, Use and Disposal of Tangible Cultural Heritage Sites", it

contains provisions regulating the management of material cultural heritage. did not find my expression. Only from this article

Section 4 states that state-owned tangible cultural heritage objects cannot be denationalized or privatized. However, the question of how tangible cultural heritage properties owned by natural and legal persons are managed remains open (for example, bequest, donation or sale). In our opinion, this norm should include rules governing the impossibility of reimbursing a lost object of material cultural heritage and its disposal by individuals and legal entities, taking into account its historical, cultural or scientific significance. In particular, Article 23 of the Law of the Republic of Uzbekistan "On the Protection and Use of Cultural Heritage Sites" shall be supplemented with Part 5 as follows: taking into account the irreplaceability of the place and its historical, cultural or scientific significance, bequest or donation to other persons with the obligation to preserve it and ensure that it does not leave the territory of the Republic of Uzbekistan. Individuals and legal entities that are the owners of objects of material cultural heritage can sell their objects of material cultural heritage only to the relevant state authorities. "The introduction of this application will prevent the export of objects of material



cultural heritage from the territory of the republic or their destruction, as well as protect and ensure their safety.

Another normative legal act regulating the circulation of historical and cultural values is the Law of the Republic of Uzbekistan "On Museums", which regulates the circulation of museum items and museum collections. Article 3 of this Law defines museum objects and museum collections, according to which a museum object is a cultural property, the quality or distinctive features of which require preservation, study and public display in the public interest, and the museum collection - the proximity of origin. or a form is a collection of cultural property that has the character of a museum object only in combination with other characteristics.

In accordance with Part 2 of Article 7 of the Law "On Museums", civil circulation of museum items and museum collections included in the National Museum Fund is allowed only subject to the restrictions established by this Law.

It should be noted that the Law of the Republic of Uzbekistan "On Museums" establishes a number of restrictions on the conclusion of agreements on donation of museum items and museum collections that are part of the National Museum Fund.

In particular, according to Article 12 of the Law of the Republic of Uzbekistan "On Museums", museum items and museum collections included in the National Museum Fund can be alienated only with a special permission from the Ministry of Culture of the Republic of Uzbekistan.

Therefore, based on this provision, the donor must obtain a special permission from the Ministry of Culture of the Republic of Uzbekistan to donate the museum items and museum collections belonging to him as a property. If permission is denied, the donation will also fail, i.e. the donation agreement will not be concluded. In this case, property rights are limited. However, given that museum items and museum collections are an integral part of the cultural heritage of the people of Uzbekistan, our national and cultural heritage, the legislator's demand for its preservation is justified. In particular, the limits of the rights and powers of the owner are set out in Article 54 of the Constitution of the Republic of Uzbekistan, according to which the owner must not harm the environment,

violate the rights and legally protected interests of citizens, legal entities and the state.

Also, in accordance with part 1 of Article 23 of the Law of the Republic of Uzbekistan "On Museums", the buyer or recipient of these items and collections in relation to museum items and museum collections included in the non-state part of the National Museum Fund must assume all obligations to the seller or donor.

According to this norm, in the donation agreement for museum items and museum collections that are part of the non-state part of the National Museum Fund, conditions must be specified under which the recipient assumes all obligations to the donor in relation to these items and collections, and is also an important condition of the contract. Otherwise, the contract is invalid.

Apparently, the Legislature has imposed special restrictions on the donation of museum items and museum collections, given that their civil circulation is limited. First, the donor must obtain special permission from the Ministry of Culture of the Republic of Uzbekistan before donating such items. Secondly, the contract for donation of museum items and museum collections must contain the conditions according to which the recipient assumes all obligations to the donor in relation to these items and collections. These, in turn, are mandatory requirements established by the Legislative Assembly for the conclusion of such donation agreements. Failure to comply with these requirements will lead to the invalidation of the donation agreement.

In addition, the Legislature has established a special procedure for concluding contracts for the donation of museum items and museum collections. In accordance with part 4 of Article 23 of the Law of the Republic of Uzbekistan "On Museums", a will and a donation agreement for museum items and museum collections are considered concluded from the moment of state registration in the State catalog of the National Museum Fund. This means that after the registration of the donation agreement for museum items and museum collections in the State Catalog of the National Museum Fund, the recipient of the gift acquires ownership of the museum items and museum collections.



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In particular, in accordance with paragraph 17 of the Regulation "On the State Catalog of the National Museum Fund", approved by the Resolution of the Cabinet of Ministers of the Republic of Uzbekistan dated April 12, 2010 No. 68, on the establishment of civil rights and obligations of legal entities and individuals, actions aimed at changing or cancellation, including with the transfer of property rights to another person, is carried out only after registration of these actions in the State Catalog of the National Museum Fund.

In accordance with clause 23 of these Regulations, the following operations with museum items and museum collections that are part of the non-state part of the National Museum Fund are registered:

- sales contracts;
- giving gifts;
- exchange;
- leasing for permanent or temporary use.

This means that museum items and museum collections that are part of the non-state part of the National Museum Fund can be sold under contracts of purchase, donation, exchange and leased for permanent or temporary use. Imagine that a foreign citizen, on the basis of a special permit from the Ministry of Culture of the Republic of Uzbekistan, intends to leave the territory of the Republic of Uzbekistan by registering an agreement for museum items and museum collections in the State Catalog of the National Museum Fund. Since museum items and museum collections are his property rights, does he have such a right?

However, although museum items and museum collections are an integral part of the cultural heritage of the people of Uzbekistan, there is no rule in any legislation regulating their circulation that would not allow them to leave the territory of the Republic of Uzbekistan. One of the main goals of this legislation is to ensure and preserve museum items and museum collections so that they do not leave the territory of the Republic of Uzbekistan.

Based on this, it is advisable to publish parts 1 and 2 of Article 23 of the Law of the Republic of Uzbekistan "On Museums" in the following edition: "In the case of contracts for the sale of museum items and museum collections that are part of the non-state part of the National Museum Fund, the buyer or buyer assumes all obligations to the seller or donor in relation to these items and collections and does not leave the territory of Uzbekistan. When buying and selling these items and collections, the state has the right to a preferential purchase.

When inheriting museum items and museum collections that are part of the non-state part of the National Museum Fund, the heir must assume all the obligations of the testator to these items and collections and ensure they do not leave the territory of the Republic of Uzbekistan. In case of refusal from these obligations, the heir may sell museum items and museum collections on the conditions provided for in part one of this article, or conclude another agreement. In this case, the state will be entitled to a preferential purchase. "

In short, in order to preserve the cultural heritage of the people of Uzbekistan, some restrictions may be imposed on the legal regulation of the civil circulation of certain items.

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